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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JASWINDER SINGH,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-72420

Agency No. A77-814-755

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted November 13, 2007<sup>\*\*</sup>

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Jaswinder Singh, a native and citizen of India, petitions for review of a  
Board of Immigration Appeals (“BIA”) decision that summarily affirmed the

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

ruling of an Immigration Judge (“IJ”) denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252.

Where, as here, the BIA summarily affirms the IJ’s decision, we review the IJ’s decision as the final agency action. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1184 (9th Cir. 2006). We review for substantial evidence, *see Gu v. Gonzales*, 454 F.3d 1014, 1018 (9th Cir. 2006), and we deny the petition.

The IJ found Singh incredible, in part, because although Singh testified that the Indian police had tortured him with electric shocks, his asylum application omitted any mention of that occurrence. Because this omission is material and goes to the heart of Singh’s claim, the IJ’s finding is supported by substantial evidence. *See Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004).

Substantial evidence likewise supports the denial of Singh’s CAT claim because he did not establish that it was more likely than not that he would be tortured if he returned to India. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED.**